THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.NO. 15948 OF 2006

Dated:01-08-2006

Between:
Boreddy Rami Reddy Petitioner

And
State Election Commission, A.P. rep. by its Secretary and others

Respondents

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.NO. 15948 OF 2006

ORDER:

1. The writ petition is filed for a Writ of Mandamus declaring the action of the 2nd respondent in changing the polling stations in respect of Ward Nos.1,2 and 10 of Mekavaripalli Gram Panchayat from Ankanagodugunur village to Mekavaripalli village as being illegal, arbitary and in excess of jurisdiction and violative of Article 14 of the Constitution of India and consequently direct the respondents to locate the polling stations as fixed earlier and pass such other suitable orders.

2. It is stated that in the year 1995 also there were polling stations in the Ankanagodugunuru Village which were located in the school. When it came to the year 2001, due to political pressures, when the Polling Stations in respect of Ward Nos.7,8,9 and 10 (now revised to Ward Nos.1,2 and 10) of Ankanagodugunuru village were shifted to Mekavaripalle Village, one of the villager by name Smt.Dasari Danamma has filed W.P.No. 16541 of 2001 before this Court and this Court by order dated 10.8.2001 disposed of the writ petition with a direction to the 1st respondent to forthwith take an appropriate decision in the matter and consider the objections/representation stated to have been already preferred by some interested persons and an appropriate decision in this regard shall be taken forthwith, since the elections are scheduled to be held on 14.8.2001. Accordingly, the 2nd respondent issued an order retaining the polling stations at Ankanagodugunuru dated 13.08.2001. It is further stated that this time also the respondents are not keeping polling stations of the ward Nos. 1,2 and 10 at Ankanagodugunuru village and once again shifted the

same to Mekavaripalli village and the said action is being impunged in the present writ petition. Several other factual details had been narrated in Para 6 and 7. It is also stated that the representation was made on 28-07-2006 to the second respondent-District Election Authority and District Collector. But however, the same is not being disposed of in accordance with law. The instructions in Roc.No. /2006-A2(Ele) dated 31-07-2006 is placed before this court wherein it was stated as hereunder:

" I submit that the Mandal Parishad Development Officer, B.Kodur Kadapa District has informed over telephone that the Polling Station of the 10th ward has been shifted to Mekavaripalli Gram Panchayat on the following grounds.

- M.Narasimhapuram a hamlet village of Mekavaripalli Gram Panchayat falls in the 10th ward. Thee is a distance of 5 K.Ms between M.Narasimhapuram village and Ankanagoduganur hamlet village, which falls in the 1st and 2nd wards.
- As per the request of the S.C.Voters of the 10th ward, the plling station of the same has been set up at Mekavaripalli, which is only 1 KM away from M.Narasimhapuram (10th ward). And accordingly the draft list of Polling Stations was published on 08-07-2006 and there wee no objections received up to the date of final publication.
- Regarding 1st and 2nd wards the Mandal Parishad Development Officer informs that he has shifted the polling stations of the 1st and 2nd wards to Mekavaripalli as contended by the petitioner of Ankanagoduganur village the distance between Ankanagoduganur and Mekavaripalli is not 2 KM but only 1 KM and that he did not receive any objections against shifting of Polling Stations of the 1st and 2nd wards i.e. Ankanagoduganur to Mekavaripalli and therefore, he published the final list.
- The Mandal Parishad Development Officer finally informed that

since the representation was received from the villagers of Mekavaripalli requesting for shifting of polling stations after the final publication of the list of polling stations, he could not do any thing to undo the shifting of polling stations.

· This is submitted for favour of kind information."

3. It is pertinent to note that previously a writ petition was filed and in pursuance of the directions issued by this court, the same was rectified and polling stations were continued. Again change is being effected and the main grievance of the petitioner is that despite the directions already issued in the writ petition, and also despite the change made in the prior election and again rectified, the same is being repeated again in spite of the fact that all these facts are brought to the notice of the second respondent. Whatever may be the reasons when already this court had bestowed the attention and issued proper directions with certain observations, unless clear changed circumstances are shown, the said observations made by this court would be binding on the authorities and the authorities are bound to give due weight to the observations made by this court in the writ petition No.16541 of 2001 .

4 In view of the facts and circumstances, the second respondent is hereby directed to consider the representation dated 28-07-2006 keeping in view the observations already made by this Court in W.P. No.16541 of 2001.

5. Accordingly, the writ petition is disposed of . No order as to costs.

01-08-2006

Stp